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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,484	12/24/2001	Kun-Tsan Wu		9337

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EXAMINER

CALEY, MICHAEL H

ART UNIT PAPER NUMBER

2871

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,484

Applicant(s) *WU*

WU ET AL.

Examiner

Michael H. Caley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 7, 11, 12, 15, 16, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Holman et al. (U.S. Patent Application Publication US 2002/0131750 A1 “Holman”).

Regarding claim 1, Holman discloses an optical fiber cable holder (Figures 11-19; Page 2 0039) having:

a clasping portion to hold cables, the clasping portion comprising a top cover (Figures 11-19 element 102) and two side walls depending from opposite sides thereof (Figures 11-19 elements 104 and 106); and

a fixing portion (Figures 11-19 alternatively elements 124, 126, or 140) fixing the optical fiber cable holder on the base plate (Figures 11-25 alternatively elements 128 or 204) wherein the at least one bent arm extends upwardly from the at least a side of the top cover (Page 3 0041; Figures 11-19 elements 134, 136, and 138).

Regarding claim 2, Holman discloses the at least one bent arm as extending upwardly from the at least a side of the top cover (Figures 11-19 element 138).

Regarding claim 6, Holman discloses the fixing portion as further including at least one locking leg and at least one stop latch (Figure 16 elements 126 and 132 or alternatively Figures 16 and 19 elements 140 and 142; Page 3 0042).

Regarding claim 7, Holman discloses both the locking leg and the stop latch as extending outwardly from one of the side walls to define a space therebetween for receiving the base plate (Figure 16 elements 126, 128, and 132).

Regarding claim 11, Holman discloses an optical fiber cable holder (Figures 11-19; Page 2 0039) having:

a clasping portion to hold fibers, the clasping portion having a top cover (Figures 11-19 element 102) and two side walls depending downwardly from two opposite sides thereof (Figures 11-19 elements 104 and 106);

a fixing portion connecting with the side walls of the clasping portion (Figure 11 elements 124 and 126) and fixing the optical fiber cable holder to the base plate (Figure 17 element 128); and

at least one bent arm extending from the top cover of the clasping portion to prevent excessive bending of the fibers (Figures 11-19 element 138).

Regarding claim 12, Holman discloses the at least one bent arm as extending upwardly from the at least a side of the top cover (Figures 11-19 element 138).

Regarding claim 15, Holman discloses the fixing portion as further including at least one locking leg and at least one stop latch (Figure 16 elements 126 and 132 or alternatively Figures 16 and 19 elements 140 and 142; Page 3 0042).

Regarding claim 16, Holman discloses both the locking leg and the stop latch as extending outwardly from one of the side walls to define a space therebetween for receiving the base plate (Figure 16 elements 126, 128, and 132).

Regarding claim 20, Holman discloses an optical fiber cable assembly having:

- a base plate defining two spaced holes (Figure 10 elements 64 and 66);

- a one-piece holder mounted on the base plate (Figure 8 element 10), the holder including:

- a U-shaped clasp portion including a top cover (Figure 1 element 24) with a pair of side walls extending downwardly by two sides thereof (Figure 1 elements 20 and 22), said top cover together with said pair of side walls defining a receiving space above the base plate;

- a lower locking leg and an upper stop latch discretely formed on each of said side walls and commonly defining therebetween a gap to receive said base plate therein (Figure 1 elements 46 and 48); wherein

- a planar dimension of said locking leg is not substantially larger than a dimension of the corresponding hole through which said locking leg extends (Figures 1-10); wherein

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both the lower locking leg and the upper stop latch are vertically positioned outside of the base plate and horizontally exposed to an exterior (Figures 1-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman.

Holman discloses all of the proposed limitations except for the optical fiber cable holder as made from a single piece of metallic material. Holman, however, teaches that the clip is made from a resilient, deformable material, permitting expansion of slots to insert cables (Page 3 0039).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the optical fiber cable holder from a single piece of metallic material. Such a material of construction is commonly used for optical fiber clips and holders due to the resilient nature of metal when manufactured for such a function. It would have been an engineering expediency to have constructed the holder from a single metal piece motivated by a desire to obtain the particular deforming and elastic characteristics of a metal. Such a choice of material would have been motivated by a desire to maintain a similar material of construction for

the base and holder for purposes of having locking legs that would not snap off or otherwise become dysfunctional and for aesthetic qualities.

Claims 4, 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman in view of Daoud (U.S. Patent No. 6,259,851 "Daoud '851").

Holman discloses all of the proposed limitations except for the clasping portion as further including at least one spring arm slanting inwardly from at least one of the side walls to hold the cables in the clasping portion. Daoud '851, however, teaches a fiber holder with an alternatively designed clasping portion having a spring arm on the side wall slanting inwardly giving its tapered shape (Figure 3 element 6 --leftmost wall portion with middle extending tab--).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the holding and wall portions (Figures 11-19 elements 104, 106, and 112) with spring arm portions as taught by Daoud '851. One would have been motivated to replace the holding mechanism disclosed by Holman with one such in order to minimize potential damage from moving fibers and to increase the versatility of the holding mechanism to individually fit ribbon fibers and splices (Column 1 lines 10-63).

Claims 7-9, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman in view of Daoud (U.S. Patent No. 6,456,772 "Daoud '772").

Regarding claims 7 and 16, Holman fails to disclose one set of locking leg and stop latch (Figure 17 element 140) as extending outwardly from at least one of the side walls to define a space therebetween for receiving the base plate. Holman, however, teaches such a placement of

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the locking leg and stop latch in an alternative embodiment of a fiber holding device (Figure 1). Daoud '772 also teaches a similar placement of the locking leg and stop latch in a fiber holder more similar to the Holman embodiment of Figures 11-19 (Figure 3C).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have extended the locking leg and stop latch from the side walls (alternatively side portions of the top cover). Such an alternative placement would have been motivated by a desire to increase the stability of the fiber holder on the base plate by adding a thicker side wall and placing the fixing member on the side wall as taught by Daoud.

Regarding claims 8 and 17, Holman discloses the locking leg as designed to engage with an underside of the base plate and the at least one stop latch as designed to engage with a topside of the base plate to fix the optical fiber cable holder on the base plate (Figures 11-19).

Regarding claim 9, Holman discloses the at least one locking leg and at least one stop latch are located on two opposite sides of the at least one of the side walls (Figures 11-19).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael H. Caley whose telephone number is (703) 305-7913. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

mhc

mhc


TOANTON
PRIMARY EXAMINER